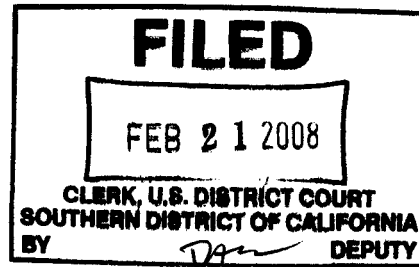


0080



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8153

UNITED STATES OF AMERICA,  
Plaintiff,

v.

Juan Diego DURAN-Cortez ,  
Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

That on or about February 20, 2008, within the Southern District of California, defendant Juan Diego DURAN-Cortez did knowingly and intentionally import approximately 45.70 kilograms (100.54 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

  
Special Agent  
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st,  
DAY OF FEBRUARY 2008.

  
PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Juan Diego DURAN-Cortez

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes  
6 furnished to U. S. Immigration and Customs Enforcement Special Agent Brandon  
7 Wood.

8 On February 20, 2008, at approximately 0730 hours, Juan Diego DURAN-Cortez  
9 entered the United States at the Calexico, California East Port of Entry (POE). DURAN  
10 was the driver, registered owner and sole occupant of a 1994 Ford Ranger with  
11 Mexican license plate number BN01882.

12 Customs and Border Protection Officer (CBPO) C. Montez was assigned to  
13 vehicle primary lane #4 when DURAN applied for entry into the United States. CBPO  
14 C. Montez noticed DURAN was sitting rigidly in the driver's seat. CBPO C. Montez  
15 inspected the vehicle and noticed a depth discrepancy and a new paint job on the truck  
16 bed. CBPO C. Montez also heard a solid sound when the truck bed was tapped.  
17 CBPO C. Montez referred both DURAN and the vehicle to the vehicle secondary lot for  
18 an intensive inspection of the vehicle.

19 In the vehicle secondary lot, CBPO M. Noriega conducted an intensive  
20 inspection of the vehicle and found a space discrepancy in the bed area of the vehicle.  
21 CBPO M. Noriega requested Customs and Border Protection Canine Officer (CEO) K.  
22 Caldera use his Human Detector Dog (HNDD) to see if the HNDD would detect the  
23 presence of narcotics. CEO K. Caldera's NHDD alerted to the bed area of the vehicle.

24 CBPO M. Noriega drilled the bed of the vehicle which produced a green leafy  
25 substance that field tested positive for marijuana. Upon further inspection CBPO M.  
26 Noriega discovered twenty three (23) packages within the truck bed area of the vehicle.  
27 The total weight of the packages was 45.70 kilograms (100.54 pounds).

28 Special Agent (SA) Brandon Wood placed DURAN under arrest for violation of  
29 Title 21 United States Code 952 and 960, Importation of a Controlled Substance.

1 DURAN was advised of his Constitutional Rights, per Miranda, which he acknowledged  
2 and waived.

3 DURAN stated to SA Wood that he was to be paid \$500.00 to drive his vehicle  
4 and drop it off at a "Food 4-Less" near Las Palmas in Calexico, California. DURAN  
5 stated that he knew there were drugs in the vehicle, but was not sure what type or how  
6 much was in the vehicle." DURAN was processed, booked, and transported to Imperial  
7 County Jail.